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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 MARGARET ADAMSKI-THORPE,

11 Plaintiff,

12 v.

13 STEVENS MEMORIAL HOSPITAL,

14 Defendant.

CASE NO. C09-1302JLR

ORDER

15 In late February 2011, counsel for Plaintiff informed the court of an illness that
16 required hospitalization, and a subsequent undefined period of convalescence. Before the
17 court are Plaintiff's counsel's initial Status Report (Dkt. # 53) and Second Status Report
18 (Dkt. # 56), both of which Plaintiff's counsel filed at the direction of the court following
19 notification of his illness.

20 In consideration of Plaintiff's counsel's illness, the court rescheduled hearings
21 numerous times throughout March 2011. (*See* Dkt. Entries dated February 28, March 3,
22 & March 9, 2011; Dkt. # 52.) The court also continued the trial date from March 15 to

1 March 28, 2011, and then struck the March 28 trial date as well. (See Dkt. Entry dated
2 March 4, 2011; Dkt. # 52.) In his initial Status Report, Plaintiff's counsel states that he
3 "do[es] not know when [he] will be able to return to work on a regular basis." (Dkt. # 53
4 at 2.) In his Second Status Report, Plaintiff's counsel states that he "cannot give the
5 Court a timeline with absolute certainty" regarding his ability "to proceed with this
6 case. . . ." (Dkt. # 56 at 1-2.) He also states that he "was told that another surgery would
7 be necessary," but that "no date has been set." (*Id.* at 2.) He "hope[s] to be back to full
8 time work by June 1, 2011." (*Id.* at 3.)

9 The court has excused delinquent filings, incomplete pleadings, and missed
10 hearings, and has continued the trial date based on the medical condition of Plaintiff's
11 counsel. The court further notes that Plaintiff's counsel's problems in adhering to the
12 court's scheduling order and attending noted hearings began well before the onset of his
13 illness. (See Show Cause Order (Dkt. # 41).) As stated in Plaintiff's counsel's Second
14 Status Report, "Defendant is entitled to its day in court." (*Id.*) The court is unwilling to
15 simply cling to the "hope" of Plaintiff's counsel that he may be able to proceed with this
16 case by June 1, 2011. In fairness to Defendant, the court must reschedule a definitive
17 trial date.

18 Accordingly, it is hereby ORDERED that trial in this matter is set to commence on
19 June 1, 2011 at 9:00 a.m. The court further DIRECTS Plaintiff to be prepared to proceed
20 to trial on that date. In preparing for trial, Plaintiff may proceed with her current counsel,
21 she may retain substitute counsel or co-counsel to work with her present attorney, or she

1 may proceed pro se. However, neither the case schedule, nor the trial date will receive
2 any further continuances.

3 Dated this 13th day of April, 2011.

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7 JAMES L. ROBART
8 United States District Judge
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